

GOVERNMENT DOCUMENTS  
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## HWACALENDER

### NOTICE FOR HWAC MEETING May 13, 1998

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Published by the Waste Program Planning Unit  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
For more information  
call Paul Walsh (617-556-1011) or Ken Pelletier (617-292-5552)

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**Location of meeting: DEP, Fourth Floor Conf. Room, One Winter St. Boston**

**Note: All visitors must come up the escalator to the second floor reception desk.**

9:30: Minutes of March 11 meeting (mailed with the last notice)

9:45 Regs Review Sub-Committee Report---December request for DEP status report  
on pending issues .

10:00 John Reinhardt, DEP: ERP/ Sewer Connection, Hazardous Waste Issues

10:45 Judy Shope, DEP: Household Hazardous Waste, Mercury/Combustion Issue

11:30 John Carrigan, DEP : Contaminated Soil

11:55 Next Meeting, Site Visit?

12:15 Adjourn

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Regs Subcommittee Meeting

April 29, 1:00--4 pm

National Guard Armory, Worcester

Contact: James Paterson 617-556-1096

Transportation Subcommittee Meeting

June 10, 1998, 10am to 12 am

DEP, 4th floor Conf. Room

Contact: Asha Shah 617-292-5576







## **HWAC MINUTES**

**MARCH 11, 1998**

Members present: Andrea Adams, Barbara Berney, Robert Cox , Dick Cahaly, Lynn Rubinstein, Ty Perry, Al Shaines

Members Absent: Geoffrey Brown, John Davey, Kirk Franklin, Ethan Mascoop, Kate Stewart

Others Present: Jennifer Burrill (Mabbett and Associates), Andrew Brengle, (Mass Environmental Management), Susan Prior, Jean Soltys (Laidlaw Environmental) Bill Panos, Paul Walsh (DEP)

### **Minutes from December:**

Minutes from December HWAC meeting approved.

### **Regulations Review Subcommittee,**

In response to the request at the last HWAC meeting, The committee has received one response from Steve DeGabriele to a letter from the Regulations Review subcommittee. The issue concerned whether process wastewater (hazardous waste) which escapes the pretreatment collection system can be pumped back into industrial wastewater pretreatment system. (enclosed)

It was noted that at the last meeting that Jim Miller agreed to give a status report by April 1 regarding all pending issues which appeared in a letter dated December 17, 1997 from the Regulations Review Subcommittee.

### **Status Report: Steering Committee: Recommendations concerning new areas of HWAC interest**

Ty recounted a meeting, which took place last December (97), when various representatives of DEP/BWP programs came in and gave summaries to the steering committee. They included solid waste, air quality, industrial wastewater and household hazardous waste. There were three areas where connections were noted.

**Solid Waste Issues:** The Committee note that solid and hazardous waste have many connections. Several members of the HWAC also belong to the Solid Waste Advisory meeting. As issues come up, they can be communicated to either committee. It was suggested that at the next SWAC meeting, the issue of connections between hazardous waste and solid waste be put on the agenda. Copies of the minutes of the Solid Waste Advisory Committee should be mailed to all committee members to facilitate communication and awareness of issues of mutual interest.



**Household Hazardous Waste:** An area of concern to the HWAC was the combustion rule regarding household waste containing mercury. Judy Shope will be addressing the next HWAC meeting on the issues of combustion and mercury products.

**Industrial Wastewater Issues/ ERP:** The Environmental Results Program are developing new regulations which contain hazardous waste provisions. Holding tanks, hazardous waste treatment systems and Zero discharge units are examples of ERP regulations which affect hazardous waste.

**New Subcommittees :** There was a discussion concerning methods by which the HWAC could coordinate with other programs and committees. One suggestion was to have periodic joint meetings. After some discussion, it was decided to form two new "subcommittees.

**Industrial Wastewater Subcommittee:** Ty Perry and Leon Lataille. They agreed to contact John Reinhardt at DEP to discuss ERP hazardous waste issues.

**Household Hazardous Waste Subcommittee:** Andrea Adams and Lynn Rubinstein. Lynn volunteered to contact Judy Shope and ask her to appear at the next HWAC meeting to discuss the mercury combustion policy.

**Checklist Number # 1** Andrea Adams on behalf the Regulations Review sub-committee submitted "Checklist # 1 recommendations to the HWAC for their review and approval. With minor clarifications and amendments, the HWAC accepted the recommendations as submitted.

**Miscellaneous:**

- HWAC web page should be monitored for timeliness and accuracy.
- Minutes of Regs Review subcommitte should be distributed to DEP personnel who have an interest.
- Members requested E-mail notificaltion of HWAC events whenever possible.

**12 :30 ADJOURN:**



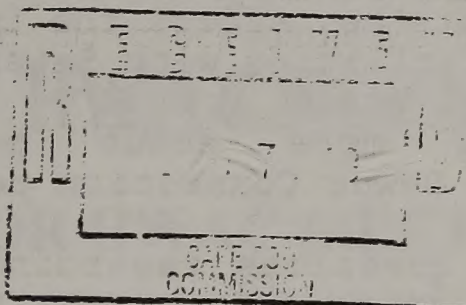


COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON MA 02108 (617)292-5500

ARGEO PAUL CELLUCCI  
Governor

TRUDY COXE  
Secretary

DAVID B. STRUHS  
Commissioner



February 12, 1998

HWAC Regulations Review Subcommittee  
c/o William T. Perry

Dear Mr. Perry:

The following is in response to your request, dated January 9, 1998, submitted on behalf of the Regulations Review Subcommittee of the HWAC, for written interpretation from the Department concerning the treatment of escaped hazardous waste wastewater.

Specifically, you asked about hazardous waste wastewater that has escaped from an industrial waste water pretreatment (IWWP) system, but is not conveyed directly to that system. You noted that this case occurs when process wastewater that is also a hazardous waste escapes the pretreatment collection system and is collected in an overfill dike or other containment system. The release would then be pumped back into the IWWP system for the wastewater treatment it would have normally received. You noted that absent this waste management option, the released materials would have to be sent off-site as a hazardous waste to a treatment, store and disposal facility (TSDF).

With respect to this scenario, it is the Department's position that, in accordance with M.G.L. c. 21C, s. 4, the released wastewater can be treated on-site in the approved IWWP system and does not need to be shipped off-site to a TSDF provided that:

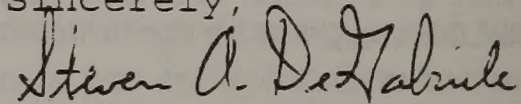
- 1) the released wastewater is not contaminated with any hazardous waste that was not present in the IWWP system prior to release; specifically, that no new waste code is introduced to the released wastewater through contamination; and
- 2) released wastewater transferred back into the permitted IWWP system from the secondary containment system originates from the permitted IWWP system and not from some other source; and
- 3) the IWWP system is designed, operated and maintained to treat the released wastewater so that discharged effluent meets all of the facility's discharge limits.



Finally, your letter includes the statement that "[i]t is given that the facility possesses a Sewer Connection Permit, MWRA Industrial Wastewater Discharge Permit, or POTW pretreatment approval." Please be advised that the Department, through its Environmental Results Program, plans to extensively revise the current Sewer Connection permit program. As such, the ERP program for Sewer Connection permits may affect the interpretation in this letter as it pertains to facilities with Sewer Connection permits. You may contact John Reinhardt at (617) 292-5667 if you are interested in learning more about public participation opportunities for the ERP Sewer Connection permit program.

If you have any further questions regarding this letter please contact James Paterson of my staff at (617) 556-1096.

Sincerely,



Steven DeGabriele

Director

Business Compliance Division



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## HWACALENDER

### NOTICE FOR HWAC MEETING July 15, 1998

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Published by the Waste Program Planning Unit  
for the HAZARDOUS WASTE ADVISORY COMMITTEE

For more information  
call Paul Walsh (617-556-1011) or Ken Pelletier (617-292-5552)

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Location of meeting: DEP, Fifth Floor Conf. Room, One Winter St. Boston

Note: All visitors must come up the escalator to the second floor reception desk.

9:30: Minutes of May 13 meeting (enclosed)

9:35: Lynn Rubinstein: Regs Review Sub-Committee Status Report

10:00: Jim Miller Mass DEP: Review of CRT comments resulting from hearings

10:30: Jim Miller Mass DEP: Proposed Changes to the HW transporter program

11:00: Next meeting /Site Visit/ Future Agenda Items

11:30: Adjourn

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Regs Subcommittee Meeting

July 31, 12 00--3 pm

National Guard Armory, Worcester

Contact: James Paterson 617-556-1096

Transporter Subcommittee Meeting

August 12, 1998, 10am to 12 am

DEP, 4th floor Conf. Room

Contact: Asha Shah 617-292-5576





## HWAC MINUTES

MAY 13, 1998

Members Present: Barbara Berney, Geoffrey Brown, Dick Cahaly, John Davey, Leon Lataille, Lynn Rubinstein, Al Shaines

Members Absent: Andrea Adams, Robert Cox, Ty Perry, Ethan Mascoop, Kirk Frankln, Kate Stewart

Others Present: Paul Walsh, DEP, Al Nardone, DEP, Jim Paterson, DEP, Sue Prior, Laidlaw, Jean Soltys, Laidlaw, Desi Chari, Safety-Klean, Mike Walsh, Safety Klean. George Frantz Ma OTA,

### Minutes from December:

Minutes from May HWAC meeting approved.

**Jim Miller, Changes in CRT policy:** Jim Miller outlined the changes to the proposed CRT regulations. The proposed regulations set out a comprehensive management approach designed to direct CRTs into recycling. The approach is two fold. First, the proposed regulations exempt CRTs from hazardous waste regulations so as to minimize the regulatory burdens associated with recycling. Second, the proposed regulations preclude CRTs from entering the solid waste stream.

Jim outlined the differences between DEP's position and EPA. There are two issues. First, under EPA, if a CRT fails the TCLP then they are considered a hazardous waste. Under DEP's proposal, CRTs are exempted under the regulations as hazardous waste. Secondly, Under the Common Sense Initiative (CSI) EPA has chosen to limit the exemption on CRTs from RCRA only for those CRTs destined for "glass to glass" recycling. Under CSI's "glass to glass" proposal, only those spent CRTs destined for reuse in the manufacture of new CRT glass would qualify for the exemption.

**Facilities affected:** Jim specified that the CRT ban applied to landfills, combustion facilities and transfer stations. Lynn Rubinstein commented that the ban on transfer stations was unworkable because of municipal collection policies. Jim noted her comment and promised to investigate a change in the proposal.

**When:** The ban and the exemption will go into effect January 1, 1999.

**Efforts to assist municipalities:** Grant money (\$400,000) is available to municipalities who collect consumer electronics through the following mechanisms: municipal drop-off sites, municipal seasonal curbside collections, retailer take-back partnerships, charitable collection partnerships, and moving company partnerships. There will be a mailing to all



solid waste facilities in July. DEP is in the process of conducting a series of public hearings (six public hearings) all over the state.

Jim finished his presentation with a general statement that this is a significant public issue with the predicted production of high definition television.

**John Reinhardt: ERP Sewer Connection Rollout:** John outlined the areas where the ERP rollout would affect hazardous waste regulations and policies. There is considerable confusion concerning who issues Industrial waste water permits. Both the Department, the MWRA, and localities issue permits at times concurrently. Issues revolve around which permits ERP should cover and how they are identified and enforced against.

Industrial wastewater systems that treat hazardous wastewater raise special environmental concerns because of the toxic nature of their discharges and waste. For this reason RCRA requires that unless these treatment systems are exempted by other state laws, they must apply for a TSDF permit which are difficult and costly to acquire. The state's Clean Waters Act (CWA) allow a hazardous IW treatment system to be exempt from TSDF requirements.

A major issue for the development of the ERP sewer connection regulations is that if ERP integrates those facilities into its system who were formally under the CWA and exempt from securing a TSDF permit, those facilities will have to apply for a TSDF permit. One of the options is to investigate the possibility of somehow exempting them under some other regulatory vehicle.

**ZERO Discharge Units:** There are a variety of types of ZDU's. Questions arise as to whether these units are constructed and operated in a manner which prevents any environmental releases or are designed for the recycling of hazardous waste for reintroduction into an industrial production process. The risks of ZDU technology are its potential for hazardous air emissions during the evaporation/ distillation process, improper disposal of hazardous waste, and the potential for resuming an unregulated, hazardous sewer discharge if the ZDU fails or is operated improperly.

Contradictory regulatory definitions and requirements have resulted in an uncertain status for ZDUs. Totally-enclosed ZDUs have been determined by DEP and EPA to be exempt from TSDF permitting. The exemptions are based on the facility having discharge permit under the Clean Waters Act. Again the issue arose as to whether those who have RCRA issues are covered under ERP.

**Judy Shope: Proposed Municipal Waste Combustor Regulations:** Judy outlined the proposed changes to the emission standards for municipal waste combustors. These emission standards come from the guidelines adopted by the EPA more than two years ago. The goal of that initiative was to reduce emissions that are toxic or contribute to the formation of smog. As a part this EPA-mandated modernization, DEP proposed to



implement more protective emission standards that require the operators of combustion facilities to separate and recycle mercury-bearing items from their waste streams.

DEP is implementing these changes both to comply with Clean Air requirements and because waste incinerators are the leading source of mercury emissions in the state. Combustor plants who are affected by the new rules are Fall River, Haverhill, Lawrence, Millbury, North Andover, Rochester and Saugus. Each of these facilities handle at least 250 million tons per day. The costs for pollution control retrofits will be as much as \$100 million in Massachusetts.

**Feasibility Plan:** The changes require that Municipal Waste Compusters (MWCs) develop feasibility plans that will include options for the establishment of a front-end separation program to collect mercury containing waste materials before that are disposed at the facility and an implementation schedule for those found feasible.

**Limit on Mercury:** DEP has one significant change in the emission limits proposed from the limits contained in EPA guidelines listed under the Clean Air act. The limit on mercury has been reduced from 0.080 mg/dscm to 0.028 mg/dscm. As a consequence of this regulation, mercury emissions will be reduced by 85%.

**Mercury Action Plan:** Judy briefly mentioned that the limitations on mercury combustion were part of a comprehensive plan which is being developed by the Northeast states and Canada called the mercury action plan. Its goal is the elimination of the release of man-made mercury into the environment.

**John Carrigan: Contaminated Soil:** John addressed the Committee and asked their input concerning a project to address the management of contaminated media generated as a result of remedial actions, brownfields, redevelopment and urban construction projects. BWP will be forming a committee to address these issues.

**Joel Hartley: Request for Enforcement Input:** Joel distributed a form requesting input from the Committee concerning Department strategy for enforcement.

**Next Meeting/ Site visit:** It was decided that September is an easier time to hold a site visit. DEP will attempt to make arrangements to visit SEMASS.

12:00 Adjourn.







MASS. EA 24.3:998/9

GOVERNMENT DOCUMENTS  
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SEP 16 1998

# HWACALENDAR

## Annual Site Visit--SEMASS

### NOTICE FOR HWAC MEETING September 23, 1998

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Published by the Waste Program Planning Unit  
for the HAZARDOUS WASTE ADVISORY COMMITTEE

For more information  
call Paul Walsh (617-556-1011) or Ken Pelletier (617-292-5552)

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**Tour Location: SEMASS--American REF-FUEL 141 Cranberry Highway, West Wareham, (formerly Rochester) MA Phone 508-291-4400 (directions enclosed)**

**Lunch Location: Dewey's Restaurant---Rte 105---about a mile from the entrance to the DEP Southeast Regional office going south. Phone 508-947-6031 (directions enclosed)**

**Meeting Location: DEP Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02307---Telephone 508-946-2700 (directions enclosed)**

**Note: If you plan on joining us at Dewey's, please call Ken Pelletier at 617-292-5552 so we can give the restaurant a head count. By Wednesday, we will have a simple luncheon menu with several options.**

#### **Schedule:**

10:00 AM      Tour of SEMASS---American REF-FUEL

12:30 PM      Lunch at DEWEY's Restaurant

1:30 PM      HWAC Meeting--- DEP Southeast Regional Office

- Minutes, July Meeting
  - Sub-Committee Reports
  - Transporter Fee Streamlining, John Davey
  - Next Meeting
- 

Regs Subcommittee Meeting  
July 31, 1:00--4:00 pm  
National Guard Armory, Worcester  
Contact: James Paterson 617-556-1096

Transporter Subcommittee Meeting  
October 14, 1998, 10am to 12 am  
DEP, 4th floor Conf. Room  
Contact: Asha Shah 617-292-5576







**Directions to SEMASS--American Refuel**

141 Cranberry Highway,  
West Wareham (formerly Rochester, same location), MA 02576  
Main Phone Number: 508-291-4400

**From the North (Boston):** Rte 93S to Rte 128 North to Rte 24 South (Left Exit) to 495S (exit 14A (Cape Cod) off Rte 24 if coming from the Boston area) --- Take exit 2 (Rte 58) off 495. Turn right at the end of exit ramp to traffic light, take a right and SEMASS is one mile on your left. Park and enter the first building on the right ----Admin building. (We will meet outside Admin Building)

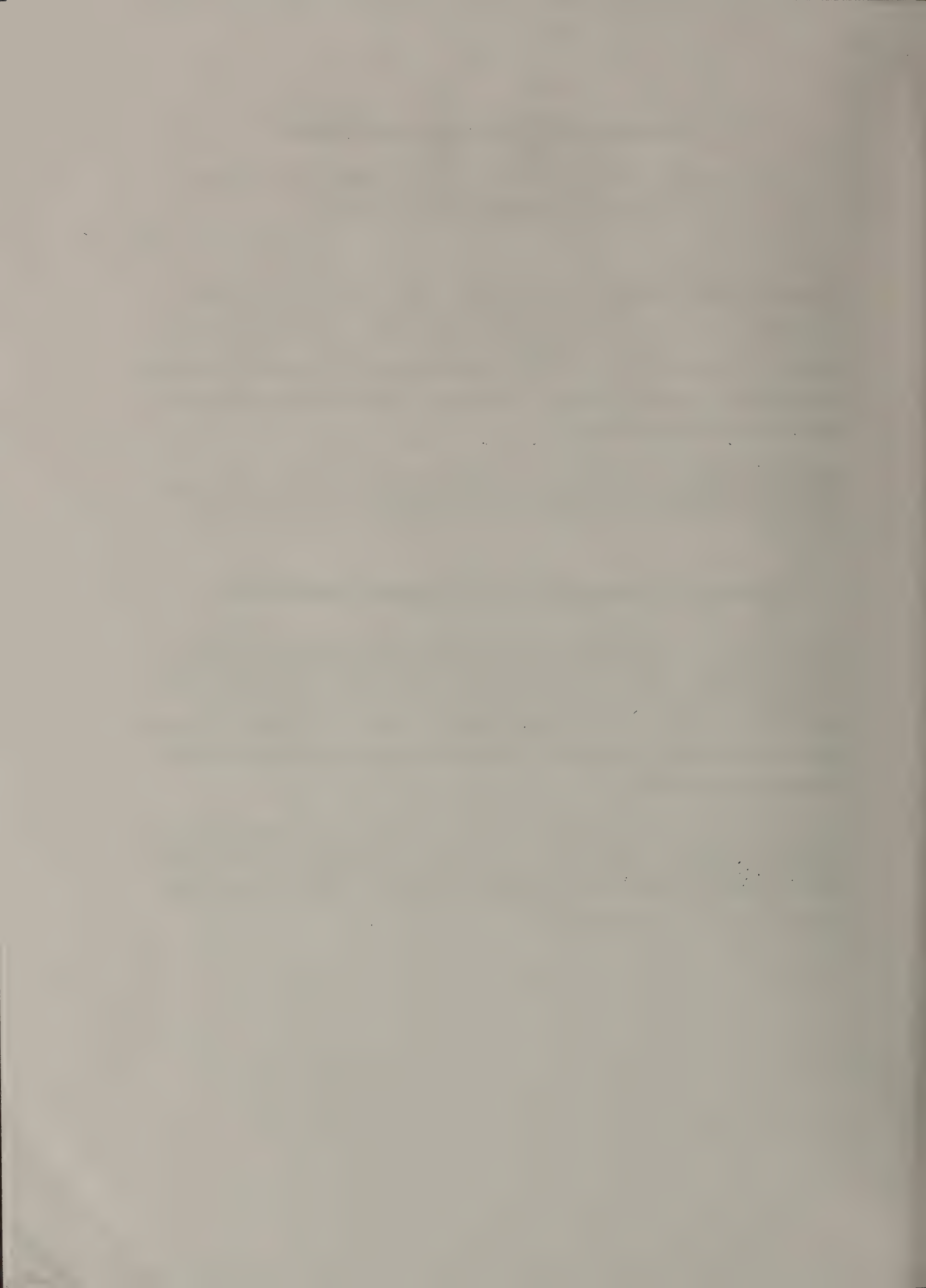
**From the South:** Take 495N to Exit 2 (Rte 58) , go left at the end of ramp to first set of lights and go right on rte 28, the plant is one mile on left.

**Directions to Dewey's (Rte 105) Restaurant from SEMASS**

Take Rte 495N to Exit 4 (Rte 105, Middleborough Center, Lakeville). At the bottom of the ramp , take a left onto Rte 105 South. About one quarter of a mile on the left, you will see a sign that says "Lakeville Corporate Park" (entrance to the DEP Southeast Regional office). Less than one mile after you see the sign (Lakevill Corporate Park) you will come to DEWEY's restaurant on your right.

If you are going directly to DEWEY's ----Use directions to DEP Southeast Regional Office. On Rte. 105 go past sign that says "Lakeville Corporate Park" (entrance to DEP Southeast Regional Office). Dewey's is less than one mile past the sign on the right







**Address:**

Massachusetts Department of Environmental  
Protection  
Southeast Regional Office  
Paul Taurasi, Regional Director  
20 Riverside Drive  
Lakeville, MA 02347  
(508) 946-2700 FAX: (508) 946-2835

**Directions from the North:**

Take 495S (exit 14A off of Rte. 24 if coming from the Boston area). Take Exit 4 off 495S, (Rte. 105, Middleborough Center, Lakeville). At the bottom of the ramp, bear right, Rte. 105 South. 1/4 mile ahead on left, turn left in driveway with green and white Lakeville Corporate Park sign. This is Riverside Drive. Red brick building is first office building on the right. DEP SERO headquarters is second red brick office building, follow signs.

**Directions from the South:**

Take 495N to Exit 4 (Rte. 105, Middleborough Center, Lakeville). At the bottom of the ramp, take a left onto Rte. 105 South. 1/4 mile ahead on left, turn left in driveway with green and white Lakeville Corporate Park sign. This is Riverside Drive. Red brick building is first office building on the right. DEP SERO headquarters is second red brick office building, follow signs.

**2. How do I report a spill?**

To report a spill/release please contact (508)  
946-2850, Monday - Friday 8:45 am to 5:00 pm.







## HWAC MINUTES

July 15, 1998

Members Present: Barbara Berney, Geoffrey Brown, Dick Cahaly, Robert Cox, John Davey, Leon Lataille,

Members Absent: Andrea Adams, Ty Perry, Lynn Rubinstein, Ethan Mascoop, Kirk Frankln, Al Shaines, Kate Stewart

Others Present: Paul Walsh, DEP, Al Nardone, DEP, Jim Miller, DEP, Asha Shah, DEP, John Carrigan, DEP Rob Parvu, MEMR, Michael Walsh, Sefety Klean, Keith Davison, CWAA, John Mumper Rexham DSI, Mike Walsh, Safety Klean.

**Minutes** from May HWAC meeting approved.

**Regs Review Sub-Committee:** Checklist number #2 is progressing. There are nine checklists. The plan is to have the committee review the first three checklists and incorporate changes in the regulations.

**Amended CRT Regulations:** Jim Miller, Mass DEP. Jim reviewed the proposed CRT regulations which exempt CRTs from the hazardous waste regulations and ban them from the solid waste stream as well. One of the inconsistencies with the present system is that the TCLP test which classifies hazardous waste was designed for the chemical waste stream. It was not meant to test consumer goods like CRTs.

**Benefits of Changes:** The amended regulation's main advantage is that it leads to recycling. The CRTs are either kept in commerce, sent to third world countries or sent to smelters where the glass is melted down and resold. The changes will also help to build a recycling infrastructure.

**Comments from Hearings:** Most of the comments resulting from public hearings were positive. There were misgivings about the January 1, 1999 implementation date. It is not in sync with municipal fiscal years. Therefore, the decision has been made to roll back the start date to July 1, 1999.

**Differences with EPA:** EPA still consider CRTs a hazardous waste. By accepting the Mass exemption, EPA would be casting doubt on the TLCP test. Under the common sense initiative, they have limited the exemption from HW regulations to CRTs destined for "glass to glass" recycling. EPA claims that DEP does not have the authority to amend the regulations. EPA could withdraw funding and or state authority to run the RCRA program. This is unlikely to occur because EPA would have to run the state program.



**Current Status:** DEP has completed public hearings on the exemption. They have applied to MEPA for approval. (Filed an ENF) DEP will be sending a written response to EPA.

**Letter to HWAC:** Dick Cahaly moves and the Committee agreed that a letter will be written from the HWAC approving the DEP recommended changes in the regulations regarding CRTs. Geoff Brown volunteered to craft a letter and distribute to Committee members for review.

**Streamlining Transporter Program:** Jim Miller, Asha Shah and John Carrigan gave a presentation on proposed changes to the Transporter Fees program. Lack of resources and the natural evolution of the program require that the program be streamlined. Business Compliance staff have assembled a whole series of recommendation for changes. A subcommittee is being formed to evaluate the Transporter Fees program and recommend changes. Jim asked for any volunteers.

**Examples of proposed changes:** One suggestion was to combine the review of the application for completeness with the technical review which had been separate steps with their own timelines. A second area where changes could be made was the public notice requirement with MEPA which entails a lengthy time period. The same purpose could be accomplished by publishing notices on the DEP Webb page. There was a general discussion of the need for public notice. DEP staff agreed that a public notice was needed but it should correspond to the time period when DEP was making decisions concerning applicants. There was general agreement that the process could be changed to reflect practical environmental necessities.

**Transporter Sub-Committee:** John Davies who chairs the Transporter sub-committee agreed to place the proposed changes in the Transporter Fee program on the agenda for August. He will report back to the HWAC at our next meeting in September.

**Next Meeting/Site Visit/ Future Agenda Item.** Next meeting was tentatively scheduled for September 16. DEP staff will make arrangements to visit SEMASS in the morning, eat lunch at a nearby restaurant and have the HWAC meeting in the afternoon at the Southeast Regional office. Suggested topics for the agenda are changes in the Transporter Fee program and a status update on ERP.



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## HWACALENDAR

### NOTICE FOR HWAC MEETING NOVEMBER 12, 1998

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for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information  
call Paul Walsh (617-556-1011) or Ken Pelletier (617-292-5552)

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**Location of meeting: DEP, Third Floor Conf. Room, One Winter Street, Boston**

**Note: All visitors must come up the escalator to the second floor reception desk**

9:30 Minutes of the July 15 and September 23 HWAC meetings( September enclosed)

9:45 Status Report, Regs Review Sub-Committee, Andrea Adams

10:00 **Streamlining Hazardous Waste Transport Licensing Program**, Jim Miller,  
Asha Shah, Dave Biggers, Mass DEP

11:30 Next Meeting/ Other Business

12:00 Adjourn

---

Regs Review Subcommittee  
November 20, 1:00 to 4:00 pm  
National Guard Armory, Worcester  
Contact: James Paterson 617-556-1096

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Transporter Subcommittee Meeting  
December 9, 10 am to 12 am  
DEP, 4th floor Conf Room  
Contact: Asha Shah 617-292-5576





## HWAC MINUTES

September 23, 1998

Members Present: John Davey, Leon Lataille, Andrea Adams

Members Absent: Ty Perry, Lynn Rubinstein, Ethan Mascoop, Kirk Franklin, Al Shaines, Kate Stewart, Richard Cahaly, Barbara Berney, Kirk Franklin, Geoffrey Brown

Others Present: Paul Walsh, DEP, Ken Pelletier, DEP, Jim Miller, DEP, Mike Corvino, Triumvirate Environmental

**Tour of American REF-FUEL( SEMASS)** Prior to the meeting, the Committee toured the SEMASS, the waste energy facility.

**Minutes** No quorum at the meeting---Minutes will be approved at next meeting.

**Regs Review Sub-Committee:** Andrea briefly discussed issues which are currently under consideration by the sub-committee. They were issues related to:

- Very Small Quantity Generators,
- "wastes in transit" -- those which do not become subject to regulation until a particular event happens.
- The burden of proof in cases involving recycled materials alleged not to be hazardous.

**Amended CRT Regulations:** Jim Miller, Mass DEP. Jim reviewed the proposed CRT regulations which exempt intact CRTs from the hazardous waste regulations and ban them from the solid waste stream as well. He mentioned that the grant programs meant to support municipalities were making progress. The Committee briefly discussed whether the ban should be applied to municipal transfer stations.

**Streamlining Transporter Program:** John Davey and Jim Miller discussed proposed modifications and changes to the Transporter Permit program. A working sub-committee has been formed and has been meeting regularly to consider changes. The target date for completion is the end of January. It is important to receive input from HWAC as soon as possible.

**Examples of proposed changes:** John Davey briefly outlined some of the changes and modifications which are being considered. They concerned topics such as license renewals, changes in the issuance of VID #s, eliminating repetitive requirements with



regard to emergency notification numbers, a reexamination of emergency spill requirements, developing more efficient forms for emergency breakdowns, a review of the waste oil category, changing regulations regarding "minor and major mods" and changing the MEPA requirements.

**Next Meeting:** John Davey requested at least 45 minutes of the next meeting to discuss the proposed Transporter permit program changes. It was decided that the next meeting should be earlier than the regularly scheduled third Wednesday in November to allow enough time for the Committee to consider the changes and to possibly have another meeting in December prior to the January target date for completing the streamlining. The Committee tentatively settled on Thursday, November 12.

4 Pm Adjourn.

MASS. EA 24.3: 999/

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HWAC CALENDAR

JAN 25 1999

NOTICE FOR THE JANUARY 20, 1999 HWAC MEETING

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Published by the Waste Program Planning Unit  
for the HAZARDOUS WASTE ADVISORY COMMITTEE  
for more information  
call Roy Willey at 617-292-5963

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Location of meeting: DEP, 4th Floor Conference Room, One Winter Street, Boston.

Note: All visitors must come up the escalator to the second floor reception desk.

9:30 Minutes of the November 12, 1998 HWAC meeting (attached).

9:45 Status Report, Regs Review Sub-Committee, Andrea Adams.

10:00 Cumulative Impact Analysis Presentation, Barbara Kwetz and Carol Rowan West.

10:45 XL Project for the "College Laboratory Consortium", Jim Miller.

11:15 Proposed Waiver of Treatment Permit Requirements. Interpretation of Chapter 21C, Section 4 will enable generators to treat at the site of generation under conditions provided by the Department, Jim Miller.

11:45 Other Business/Next Meeting.

12:15 Adjourn.

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Regs Review Subcommittee  
Date and time to be announced.  
National Guard Armory, Worcester  
Contact: James Paterson 617- 556-1096

Transporter Subcommittee Meeting  
February 10, 1999, 10:00 to Noon  
DEP, 10<sup>th</sup> floor Conference Room  
Contact: Asha Shah 617-292-5576





## HWAC MINUTES

November 12 1998

Members Present: Leon Lataille, Andrea Adams, Lynn Rubinstien, Dick Cahaly, Al Shaines

Members Absent: Ty Perry, Ethan Mascoop, Kirk Franklin, Kate Stewart, Barbara Berney, Kirk Franklin, Geoffrey Brown, John Davey

Others Present: Paul Walsh, DEP, Glenn Keith, DEP, Roy Willey, DEP Jim Miller, DEP, Asha Shah, DEP, Dave Biggers, DEP, Mike Corvino, Triumvirate Environmental, Pat Van der Voorm, Hale and Door, Allen Walker, IT Corp, Tara Swinchatt, NV, Andrew Bringle, MEMR, Chris Stevenson, GZA, Brian Morrill, GZA

**Minutes** The Committee approved the minutes of July 15 and September 23, 1998.

**Regs Review Sub-Committee:** Andrea briefly discussed issues which are currently under consideration by the sub-committee. They were issues related to:

- Very Small Quantity Generators,
- "wastes in transit" -- those which do not become subject to regulation until a particular event happens.
- The burden of proof in cases involving recycled materials alleged not to be hazardous.

**Relationship with EPA:** There was a general discussion of the state's relationship with EPA. The state is usually more stringent than the EPA in terms of regulations. In return, the state expects flexibility in the operation of its hazardous waste program. The XL program stresses flexibility in state-federal relations.

**Streamlining Transporter Program:** Jim Miller, Asha Shah, and Dave Biggers discussed proposed modifications and changes to the Transporter Permit program. A working sub-committee including waste transporters has been formed and has been meeting regularly to consider changes. The target date for completion is the end of January. The purpose of today's meeting is to present the elements of the streamlining of the hazardous waste transporter program and to seek suggestions and recommendations from the HWAC.



## Specific Suggestions and Modification

**A2. Eliminate Minor and Major Modification:** The Committee recommended that the "name changes, stock transfers, or new owners/operators be separated from the other modification categories. They suggested that the 21C regulation be revised and that application guidance include language to the effect that " licensees wanting to modify their license with a name change, stock transfer, or as a new owner/operator shall be required to send a letter to the Department describing the change , prior to submitting a presumptive approval modification. Through follow-up correspondence or conversation with the licensee as necessary, DEP shall then determine whether the change constitutes a modification or would require submission of a new application as a new licensee.

The Committee suggested revising the regulation to require the applicant to **hand-deliver or send by certified mail** the presumptive approval modification application

**A3: MEPA Equivalent Notification -- Public Notice Period:** The Committee suggested revising the regulation to require a 45 day public comment period after the required notice submitted by the applicant to a local newspaper. Public notices at the time of application both to the local newspaper and appearing on the DEP Web site would specify a "45-day public comment period".

**A5: VID Issuance:** The committee suggested that that the regulation be changed so that the licensee be required to return VID cards **upon DEP's demand** (not just request). HWAC members made additional suggestions regarding the use of bar-code recorders and proper adhesives for the proposed VID stickers.

**VID Charge/Fee:** The Committee endorsed the concept of an add-on charge applied to the Transporter fee as a volume-based fee which satisfies the April, 1994 Court Order invalidating the 21C statute's (Section 7) annual per vehicle flat VID fee; however, one HWAC committee member expressed concern that if the universe of haulers decreases, the fee assessed to remaining haulers would increase

**A9: Common Application Pitfalls** The Committee suggested that as DEP develops the hazardous waste transporter permit application forms, that DEP ask transporters to serve as test cases to insure a user-friendly application. Other suggestions were to issue a very specific instruction sheet and a sample of correct responses.

The Committee specifically suggested that the applicants be able to fill out the application electronically on their personal computer before printing their completed application. Few typewriters exist today and it is difficult to print the information in clearly.

At the end of the meeting, the Committee passed a motion expressing support for recommended changes to the Hazardous Waste Transporter Program as described in the Transporter Permitting Streamlining (TPS) staff Briefing Paper presented to the HWAC



Committee during the meeting, as amended with recommendations of HWAC at the meeting. HWAC further advises the Department to proceed with implementing the changes described therein.

**Transfer of Facilitator Role:** Paul Walsh announced that Roy Willey would be assuming the role of facilitator as of the next meeting. The Committee thanked Paul Walsh and Ken Pelletier for their service to the HWAC.

**Next Meeting:** The Committee tentatively decided to meet January 20. Jim Miller requested time to discuss a new XL project for the "College Laboratory Consortium. This is a new approach to regulating hazardous waste at universities.

12 AM Adjourn



